

Are there advantages to mediating at Mediation Services of Maui?

Yes. Some of the advantages you should consider about mediating before filing a claim are:

Convenience

Small Claims Court assigns you a date and court starts at 8:30 a.m.

You must wait your turn until your case can be mediated and/or tried. At Mediation Services of Maui, you can schedule your mediation at a time that is convenient for you. MSM has mediators available in the morning, afternoon and evenings, Monday through Friday, and Saturday mornings.

Time

Due to the large number of cases in court and the set time period for Small

Claims cases, mediation at court is usually limited to twenty or thirty minutes. Mediating at MSM allows you to take the time you feel is necessary to provide all relevant information and work towards an agreement that everyone can live with. You can even come back and "fine tune" the agreement if everyone feels that changes would be helpful.

Money

The cost for mediating at MSM is a one time nominal administrative

fee, usually in the range of \$15 to \$30. Small Claims requires payment of a filing fee, as well as a charge for having a sheriff "serve" the other party with the complaint (if a sheriff is used).

How do I prepare for Mediation?

Effective mediation requires two-way communication. This means:

- **Honestly expressing your needs; and**
- **Listening to what the other party needs.**

The keys to a successful mediation are:

- **Cooperation; and**
- **Flexibility**

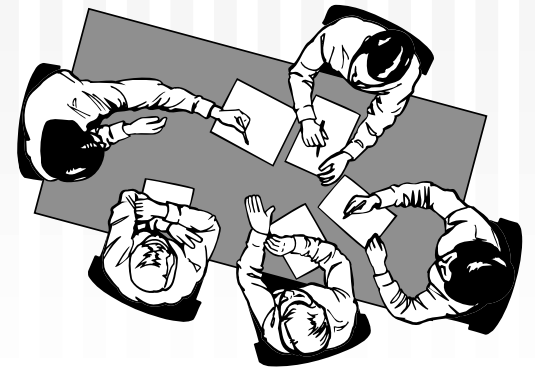
The following suggestions will help you reach a fair agreement:

- **Don't have a "win or lose" attitude;**
- **Don't be fixed on a specific outcome; be open to new ideas or suggestions;**
- **Don't lay blame or seek revenge;**
- **Look to the future, not the past;**
- **Express and listen. Help others understand you, and do your best to understand them.**
- **Bring all relevant documents.**



Going to Small Claims Court?

What do you know about Mediation?



What you should know before you file your claim or go to Small Claims

What is Mediation?

The District Court of the Second Circuit and Mediation Services of Maui have established a successful program of mediation in Small Claims Court. Mediation is an alternative method of resolving a dispute and has several advantages over the usual judicial process.

- **YOU DECIDE.** Once a judge makes a decision in a Small Claims case, at least one party (and sometimes both parties) leave unhappy. There is no right of appeal. In mediation, you and the other party, with the help of a mediator, decide what is a fair solution. This way, you avoid the risk of “losing” in court or reaching an outcome which does not meet your satisfaction.
- **CUSTOMIZED SOLUTIONS.** Even if you “win” your case, the court does not collect the money for you. In mediation, a mediator can help you develop a “customized” agreement that meets the special circumstances of you and the other party (including a clear payment plan). The agreement will then become a record of the court and each party will receive a copy.
- **CONFIDENTIAL.** A court judgment may appear on your credit records. Everything you say or write in mediation is strictly confidential.
- **NO COST.** There is no extra charge for mediation at the court.
- **A TRIAL IS STILL AN OPTION.** If you are not happy with the judges decision, you can’t change it. If you are not able to reach an agreement through mediation, you can return to court.

How does Mediation Work?

All cases that cannot reach agreement (contested) on the Small Claims calendar will be referred to mediation. This means that before you present your case to a judge, you must attempt to reach an agreement in mediation.

Volunteer mediators are available at the court house. However, if you want to try to settle your dispute through mediation **before** filing a claim, you may contact Mediation Services of Maui directly.

Who are the Mediators?

Mediators are neutral third parties who provide a structure and environment that assists communication and helps identify key facts and issues of the parties. Mediators also help develop options to move towards agreements that are acceptable to both sides. All Small Claims mediators are trained volunteers from Mediation Services of Maui.

Mediating at Court

After you arrive at court, the judge will provide a brief explanation about the Small Claims process and then the Court Clerk will call each case and instruct the parties in contested cases to go with a mediator to a private mediation room near the courtroom. Generally, only the parties named as plaintiff or defendant in the original claim filed with the court may attend the mediation session.

Once in the mediation room, you may be asked to exchange all information, including documents, photographs and all materials that support your claim. The mediator will help you communicate with each other to work towards a resolution of the claim. The entire process takes about thirty minutes. Afterwards, you return to court.

What is Mediation Services of Maui?

MEDIATION SERVICES OF MAUI (MSM) is a private non-profit organization that helps people resolve conflicts of all types. MSM uses trained volunteer mediators to work with the parties involved in the disputes. MSM has been serving the community since 1982 and has mediated thousands of cases.

The process for mediating a problem or potential small claims dispute at MSM is simple.

- Call **244-5744** and say you would like to mediate a dispute;
- You will be required to provide some background information about yourself and the dispute, as well as the name and telephone number of others involved;
- An MSM case manager will then contact the others and determine if they are willing to mediate (mediation at MSM is voluntary);
- If everyone agrees to mediation, then a meeting will be scheduled at a convenient time, either during the day, evenings or week-ends.



MEDIATION SERVICES OF MAUI
95 MAHALANI ST.
WAILUKU, HAWAII 96793
244-5744



District Court of the Second Circuit
2145 Main Street
Wailuku, Hawaii 96793